

**REMARKS/ARGUMENTS**

Applicants respectfully request a corrected filing receipt that adds the second inventor, Kurt Hansen. A *Request to Correct Inventorship under 37 C.F.R. § 1.48* was filed by Applicants with the U. S. Patent Office on November 1, 2002. This Request to Correct Inventorship included a Statement from Kurt Hansen, executed Declarations by Keith W. Diveley and Kurt Hansen in accordance with 37 C.F.R. § 1.63, and written consent from the assignee, First Data Corporation. Although the postcard was returned acknowledging receipt by the U. S. Patent and Trademark Office of the *Request to Correct Inventorship*, applicants have never received a corrected filing receipt denoting both Kurt Hansen and Keith W. Diveley as inventors of the instant application.

**Status of the application:**

Prior to the entry of this amendment, claims 1-67 were pending in this application. The present amendment amends claims 1, 14, 15, 32, 34, 35-66 and cancels claims 4 and 67. Hence, after entry of this amendment, claims 1-3 and 5-66 are now pending in the application. No new matter has been introduced with the foregoing amendments. Reconsideration of the subject application as amended is respectfully requested.

In the Office Action mailed December 22, 2004 claims 1-3, 5, 8, 9, 12, 14, 17, 24, 31, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley, U.S. 2002/0087337 ("Hensley") in view of Applicants' own admission, and further in view of Gilmore *et al.*, U.S. Patent No. 4,795,892 ("Gilmore").

In the Office Action claims 4, 6, 7, 10, 11, 13, 23, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Ganesan, U.S. 2002/0087469 ("Ganesan").

In the Office Action claims 15, 16, 18, and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Kolls, U.S. Patent No. 6,601,038 ("Kolls").

Claims 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Fredregill *et al.*, U.S. Patent No. 5,923,016 ("Fredregill").

Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants in view of Schutzer, U.S. Patent No. 6,292,789 ("Schutzer").

Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Tarter *et al.*, U.S. Patent No. 5,550,734 ("Tarter").

Claims 29 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Sullivan, U.S. Patent No. 6,386,444 ("Sullivan").

Claims 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hensley/Applicants/Gilmore in view of Schutzer, and further in view of Kolls.

### **35 U.S.C. § 103 Rejections**

Independent claims 1, 36 37, 52 and 55 were rejected under 35 U.S.C. § 103(a) over Hensley in view of Applicants' own admission, and further in view of Gilmore. Independent claims 34 and 35 were rejected under 35 U.S.C. § 103(a) over Hensley in view of Applicants' own admission and Gilmore and further in view of Ganesan. Reconsideration of these rejections is respectfully requested because in combination these references do not describe or suggest all of the elements of the amended independent claims -- claims 1, 34-37, 52 and 55.

The present amendment amends independent claims 1, 34-37, 52 and 55. As amended, independent claim 1, recites the limitations: (1) "a customer of the client pays money into the payment account and uses the payment account to purchase a good or a service from the client;" (2) "receiving a cash payment from the customer at a one of the plurality of locations;" and (3) "electronically crediting funds from the payment account to the client pursuant to the payment instructions, wherein the funds are credited substantially in real-time." Similarly, independent claims 34, 35, 36, 37, 52 and 55 each contain limitations concerning the establishment of a payment accounts for customers of a client of a payment service provider, the payment of cash by the customer to fund the payment account and the credit of funds from the

payment account to the client for a good and/or a service in substantially real-time. Applicants believe that these limitations of independent claims 1, 34, 35, 36 37, 52 and 55 are not described or suggested in either Hensley, Applicants' Admission, Gilmore or Ganesan or a combination of the references. Since none of the cited references nor any combination of the cited references discloses all of the limitations of the independent claims, Applicants believe the claims are in condition for allowance

As observed in Applicants' patent application, most prior art payment services did not cater to the unbanked or the like. (Application p.2). As such, there was a need in the art at the time of Applicants' patent application for a payment service in which unbanked customers could go to a location, fund a payment account with cash and virtually instantaneously use the account to make payments to provide for the real-time activation of services and/or the real-time purchase of goods. *Id.* pp.2-3.

None of the references cited in the Office Action mention the unbanked nor do they concern methods for unbanked persons to purchase goods or services. And, in particular, not one of the cited references teach or suggest the limitation of a person funding a payment account with cash and then using the funds in the payment account to make substantially real-time payments to a contractee of the payment service provider for a good or a service.

Hensley discloses an anonymous payment system. (Hensley ¶ 0011). Nowhere does Hensley teach, suggest or even mention the funding of a payment account with cash or the transfer of funds from such a payment account in substantially real-time to pay for a good or a service. In Applicants' patent application, Applicants acknowledge the existence of credit accounts. (Application p.1). However, Applicants further observe that such credit accounts do not address the need in the art for unbanked persons or the like to be able to instantaneously purchase service or goods. Ganesan discloses a payment method for persons with existing accounts to make payments from the accounts without identifying the accounts. (Ganesan ¶¶ 43-61). Ganesan does not teach or suggest establishing a payment account with cash with which to make substantially real-time purchases of goods or services. Gilmore discloses a pre-paid commodity system. (Gilmore col. 2, lines 18-27). Gilmore does not mention a customer establishing payment account with a payment service provider and makes absolutely no mention

of the funding of such a payment account with cash and the subsequent use of the account to establish a service or purchase a good in substantially real-time.

None of the references cited in the Office Action teach or suggest funding a payment account with cash and then using the account for the substantially real-time purchase of a good and/or a service. As such, even when combined, the cited references do not disclose all of the limitations of the independent claims. For at least these reasons, independent claims 1, 34, 35, 36 37, 52 and 55 are believed to be allowable over Hensley in light of Applicants' Admission, Gilmore and further in light of Ganesan and withdrawal of the rejections of the claims under 35 U.S.C. § 102(b) is respectfully requested. Claims 2, 3, 5-33, 38-51, and 53-65 depend from independent claims 1, 34, 35, 36 37, 52 and 66 and are distinguishable for at least the same reasons.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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